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Reginald J. Hill
Name of applicant, assignee, or Registered Rep.

Signature

December 30, 2004
Date

Patent
09/877,815

Attorney Docket
No. 42430-10447

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor(s): Eric Harold Henrikson, et al.

Serial No.: 09/877,815

Filing Date: June 8, 2001

Examiner: Minh D. Dao

Group Art Unit: 2682

**Title: REPLENISHMENT OF PREPAID ACCOUNTS DURING MULTIMEDIA
SESSIONS**

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

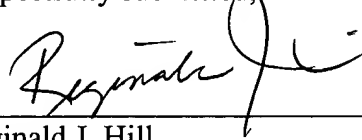
SIR:

LETTER SUBMITTING APPEAL BRIEF

Enclosed is the appeal brief of Applicant Eric Harold Henrikson, et al. for the above-captioned patent application. Please charge the fee under 37 CFR 1.17(c) of \$340 to deposit account 10-0460.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Reginald J. Hill", written over a horizontal line.

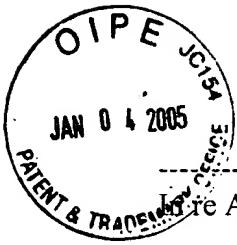
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re Application of:

Eric Harold Henrikson et al.

Serial No.: 09/877,815

Filed: June 8, 2001

For: REPLENISHMENT OF PREPAID ACCOUNTS
DURING MULTIMEDIA SESSIONS

Art Unit: 2682

Examiner: Dao, Minh D.

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APPEAL BRIEF

I. REAL PARTY IN INTEREST

Lucent Technologies Inc., a Delaware corporation, the assignee, is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellant and Appellant's legal representative know of no other appeals or interferences which will be directly affected by or which will directly affect the Board's decision in this pending appeal.

III. STATUS OF CLAIMS

Claims 1-12 are pending in the application and are finally rejected by the Examiner. More specifically, claims 1-12 are rejected under 35 U.S.C. § 102(e) as being unpatentable over McConnell et al., U.S. Patent No. 6,373,930 ("McConnell"). Appellant appeals the rejection of claims 1-12.

IV. STATUS OF AMENDMENTS

Appellant filed no amendments after the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention is directed to a method and a multimedia communications system for replenishing a prepaid account during a first communications session using an interactive session that is independent of the first communications session. (Claims 1 and 8.) During replenishment, communications are maintained for the first communications session. (Id.) That is, the first communications session is not interrupted for replenishment.

A first step (202, 204) of the method is to monitor the balance of a prepaid account with respect to a predetermined threshold. (Specification, page 2, lines 17-19.) The monitoring occurs during a communications session that uses the prepaid account. (Id. at lines 19-20.) If the balance for the prepaid session that uses the prepaid account is below a predetermined threshold during this communications session, then the user of the communications session is notified (204,206). (Id. at lines 20-23.) A user or a service provider typically sets the predetermined threshold. (Id. at lines 23-24.) Preferably, the notification is made via a visual display or audio announcement at the user terminal. (Id. at lines 24-25.) After the user is notified, an interactive session is established with the user for adding value to the balance of the prepaid account (208). (Id. at lines 25-27.) The interactive session for adding value is independent of the communications session. (Id. at lines 27-28.) The interactive session is, for example, an interface to a web site (Id. at page 7, lines 29-32.) Moreover, the communications session continues during the interactive session to add value. (Id. at page 2, lines 29-30.) For example, for communications session that is a two-way voice conversation, two-way voice communication continues. (Id. at page 8, lines 10-14.)

A multimedia communications system (100) for adding value to a prepaid account typically includes a first processor, a second processor and a third processor. (Id. at page 2, lines 30-32, and page 6, lines 15-21.) The first processor monitors a prepaid account associated with the user to determine whether a balance for the prepaid account is below a predetermined threshold. (Id. at page 2, line 32-page 3, line 3; and page 6, line 22-page 7, line 13.) The prepaid account is monitored during a first communications session that uses the prepaid account. (Id.) If the balance is below the predetermined threshold, as determined by the first processor, a second processor notifies a user terminal of the status of the balance. (Id. at page 3, lines 3-5; and page 7, lines 14-24.) A third processor initiates an interactive session with the user terminal to add value to the balance for the prepaid account. (Id. at page 3, lines 5-7; and page 7, line 25-page 8, line 8.) During the interactive session with the user terminal, communications are maintained for the first communications session. (Id. at page 3, lines 7-10; and page 8, lines 9-18.) That is, the first communications session is uninterrupted during a period when the prepaid account is replenished. (Id.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether McConnell anticipates claims 1-12, where McConnell fails to disclose each and every element recited in the claims.

VII. ARGUMENT

A. MCCONNELL DOES NOT ANTICIPATE THE CLAIMED INVENTION BECAUSE IT DOES NOT DISCLOSE EACH AND EVERY ELEMENT RECITED IN THE CLAIMED INVENTION.

The Examiner rejected claims 1-12 under 35 U.S.C. 102(e) as being anticipated by McConnell. McConnell discloses a system and method for monitoring telecommunications traffic. According to McConnell, for calls that are to be monitored, such as prepaid calls, a switch causes the call to be routed via a special looparound circuit to a destination. The

looparound circuit permits a processor to take action on the call, such as monitor a balance associated with the call and interrupt the call. According to the Examiner, McConnell discloses all of the elements recited in claims 1-12. Specifically, the Examiner asserts that McConnell discloses a multimedia communications systems where an interactive session for replenishment is independent of the first communication session and takes place during a call. In support of this position, the Examiner cites to col. 1, ll. 39-46 of McConnell.

The appellant disagrees with the Examiner. McConnell does not expressly or inherently disclose all the elements recited in claims 1-12. More specifically, claim 1 and the claims dependent on claim 1, recite, *inter alia*,

a third processor that initiates an interactive session with the user terminal to add value to the balance for the prepaid account while communications are maintained on the first communications session, where the interactive session is independent of the first communications session.

And, claim 8 and the claims dependent on claim 8, recite, *inter alia*:

initiating an interactive session with the user to add value to the balance for the prepaid account while maintaining communications on the first communications session, where the interactive session is independent of the first communications session.

McConnell fails to disclose this element and hence does not anticipate the claims.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (quoting *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Independent claims 1 and 8 both require “an interactive session with the user [user terminal] to add value to the balance for the prepaid account while communications are maintained on the first communications session, where the interactive session is independent of the first communications session.” The remaining claims are dependent on either claim 1 or claim 8, and hence, incorporate this limitation. Therefore, in order for McConnell to anticipate claims 1-12, it must disclose this limitation.

McConnell fails to disclose using an independent interactive session for replenishment of a prepaid account, while communications are maintained for a first communications sessions using the prepaid account. The passage relied upon by the Examiner to argue otherwise is reproduced below in its entirety.

CE logic module 240 may be arranged to provide AB service logic module 234 in SCP 124 with an indication of the available balance for a given call. AB service logic module 234 may then time the call and, upon completion of the call, notify CE logic module 240 of the change in balance or the new balance. CE logic module 240 may then decrement the balance in database 242. Alternatively, CE logic module 240 may be arranged to read an account balance at the start of a call, and to then decrement the account balance throughout the call and notify SCP 124 when the account balance reaches a low threshold level. Of course, other examples exist as well.

In addition, referring to FIG. 4, calculation engine 130 may be coupled with a replenishment network ("RN") 138, which can include various servers and database systems for use in verifying added value to subscriber accounts. For instance, replenishment network 138 may include a credit card verification system, for verifying charges to credit cards that are used as payment for additional minutes of telecommunications services. As another example, replenishment network 138 may include an airline-miles verification system, for verifying charges to airline miles accounts used as prepayment for telecommunications services.

McConnell, col. 15, ll. 26-49.

The cited text does not provide a disclosure commensurate with the pending claims. In particular, the cited text discloses ways to: (1) track the available balance; (2) adjust the available balance; (3) send a notification when the balance reaches a low threshold; and (4) replenish a balance with a credit card or airline-miles account. However, there is no indication that replenishment will take place during an interactive session that is coincident with and independent of a communications session using the account, as required by the independent claims. Nowhere in the passage relied on by the Examiner or elsewhere does McConnell disclose the use of an independent interactive session to replenish a prepaid account, while communications are maintained on a communications session using the prepaid account.

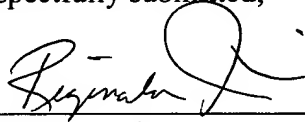
Indeed, it appears that McConnell discloses replenishment as an interruption to the ongoing communications, not as a separate session. McConnell specifically discloses a system that, when the balance of a prepaid account becomes too low during a call, the call is interrupted by one of many possible alternatives: i) disconnect the call; ii) disconnect the call and transfer the caller to an automated system to replenish the account; or iii) hold the call, transfer the caller to an automated system to replenish the account, and return the call once payment is complete. *See* col. 21, l. 41 to col. 22, l. 6; *see also* Fig. 9 (part B). Such a system is not contemplated by the claims because the claims require the interactive session to be independent from the communications session.

Independent claims 1 and 8, both require the establishment of an independent interactive session for replenishment of a prepaid account while maintaining an ongoing communications session associated with the account. This novel feature is not disclosed by McConnell or the prior art. Therefore, claims 1 and 8 are patentable over McConnell. The dependent claims 2-7 and 9-12 depend ultimately from claims 1 and 8, respectively, and are patentable for at least the reasons given above for these claims. Thus, McConnell cannot anticipate the claimed invention because it does not disclose the use of an independent interactive session for the replenishment of the account, separate, apart from, and during the communications session using the prepaid account.

B. CONCLUSION

The Examiner's rejection of all claims using McConnell is improper because McConnell does not disclose each and every element of the claimed invention. Removal of the improper rejection places all pending claims in condition for allowance.

Respectfully submitted,



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VIII. APPENDIX

1. A multimedia communications system that provides for adding value to prepaid accounts comprising:

a first processor that monitors a prepaid account associated with a user terminal to determine whether a balance for the prepaid account is below a predetermined threshold during a first communications session that uses the prepaid account;

a second processor that notifies a user terminal of a status of the balance if the balance is below the predetermined threshold; and

a third processor that initiates an interactive session with the user terminal to add value to the balance for the prepaid account while communications are maintained on the first communications session, where the interactive session is independent of the first communication session.

2. The system of claim 1 wherein the first processor, the second processor and the third processor are a same processor.

3. The system of claim 1 wherein at least two of the first processor, the second processor and the third processor are a same processor.

4. The system of claim 1 wherein the second processor notifies the user terminal by causing display of at least one of a visual and audible indication on the user terminal.

5. The system of claim 1 wherein the interactive session includes a user providing a credit card payment.

6. The system of claim 1 wherein the interactive session includes at least one of a text response, a two-way voice communication and a connection to a data network.

7. The system of claim 1 wherein the interactive session includes a user authorizing use of an account previously associated with the prepaid account.

8. A method for replenishing a prepaid account during a communications session, the method comprising the steps of:
- determining whether a balance for a prepaid account is below a predetermined threshold during a first communications session that uses the prepaid account;
 - if the balance is below the predetermined threshold, notifying a user of a status of the balance; and
 - initiating an interactive session with the user to add value to the balance for the prepaid account while maintaining communications on the first communications session, where the interactive session is independent of the first communications session.
9. The method of claim 8 wherein the step of notifying a user includes causing display of at least one of a visual and audible indication on a user terminal.
10. The method of claim 8 wherein the interactive session includes the user providing a credit card payment.
11. The method of claim 8 wherein the interactive session includes at least one of a text response, a two-way voice communication and a connection to a data network.
12. The method of claim 8 wherein the interactive session includes the user authorizing use of an account previously associated with the prepaid account.